

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL SPECIAL MEETING HELD ON
WEDNESDAY, NOVEMBER 12, 2015 AT 4:30 P.M. IN THE CITY COUNCIL
CHAMBERS**

MAYOR: Alfonso E. Ortiz, Jr.

COUNCILORS: Tonita Gurule-Giron
Joey Herrera
David L. Romero – Absent
Vincent Howell

ALSO PRESENT: Elmer J. Martinez – City Manager
Casandra Fresquez – City Clerk
Dave Romero – City Attorney
Juan Montano – Sergeant at Arms

CALL TO ORDER

Mayor Alfonso E. Ortiz, Jr. called the meeting to order at 4:30 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Ortiz, Jr. asked for a moment of silence and reminded everyone of the activities that took place on Veteran's Day in honor of our Veterans and their families and to be appreciative of the sacrifices they make in order for our freedom.

APPROVAL OF AGENDA

Councilor Howell made a motion to approve the agenda as is. Councilor Gurule-Giroñ and Councilor Herrera seconded the motion.

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	Tonita Gurule-Giroñ	Yes
Joey Herrera	Yes	David L. Romero	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

PUBLIC INPUT

None at this time.

BUSINESS ITEMS

1. Conduct a Public Hearing and Approval/Disapproval to Adopt Ordinance 15-10 petition to annex property north of the city limits contiguous to the City of Las Vegas.

Councilor Howell made a motion to go into Public Hearing. Councilor Gurule-Giroñ seconded the motion.

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Joey Herrera	Yes	Vincent Howell	Yes
Tonita Gurule-Giroñ	Yes	David L. Romero	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

City Attorney Dave Romero asked all who wished to speak on the issue, to stand and be sworn in. Benito Lujan, Lindsey Valdez, Elmer Martinez and Lydia Ortiz were sworn in.

Planning and Zoning Supervisor Benito Lujan gave a detailed outline of the Annexation process and advised that annexation petitions were submitted by ten (10) property owners to incorporate approximately 479.8 acres north of the City limits, between Airport Road and I-25.

Planning and Zoning Supervisor Lujan added that the intent of the annexation at this time appeared to be for the purpose of acquiring city services, with likely future residential and commercial development.

Planning and Zoning Supervisor Lujan informed that the application submitted was in conformity with the annexation procedures, in accordance with the petition method and added that the application was in compliance with the City of Las Vegas Comprehensive Master Plan.

Planning and Zoning Supervisor Lujan advised that there was normally an application fee associated with processing the application and added that City staff was requesting that the Governing Body waive those fees, for the reasons being:

- Costs were already reduced when applications were submitted by property owners in the area ten (10) years ago, thus a portion of the preliminary work had already been completed.
- The City initiated the annexation, utilizing the petition method verses going before Boundary Commission to address time sensitive development issues and to reduce the cost to the City and to the inhabitants of the area.
- Provisions of other city services will not immediately occur because of the residents incurring the costs of the infrastructure such as bridges, streets and main line extensions.

Councilor Gurule-Giroń had a question concerning the proposed cost to the homeowner regarding the annexation.

Planning and Zoning Supervisor Lujan advised that the cost for one acre was \$120.00.

Discussion took place on the cost amounts and the amount of acres among several homeowners.

Councilor Gurule-Giroń asked for the justification to waive the application fees regarding the annexation.

City Attorney Romero advised that this annexation was different from others because of the fact that the City had encouraged the annexation as part as the master plan regarding the Airport area.

City Attorney Romero informed that there was already development in the area and advised that a proposed annexation had already been done by Mr. Cunico years prior but failed and advised that work already completed would cover a lot of the expense that would take place before getting started on the annexation.

City Attorney Romero added that this was a simpler approach taken instead of going before the Boundary Commission, which would be more costly and advised that the residents would have to take on the tremendous costs for any infrastructure that might be needed; regardless of being in the City limits and stated that the City of Las Vegas would not be responsible for those costs.

City Attorney Romero advised that those were some of the reasons for waiving the fees and informed that he had approved the waiver for the costs to the individuals.

Councilor Gurule-Giroń had concerns in relation to costs for annexation regarding several property owners, issues of special assessment fees within the area and also had a concern with the City taking on expenses, once the annexation took place.

City Manager Martinez clarified that the application filing fee was put in to the ordinance and explained that the purpose of the fee was to defray the costs of processing the petition and that it wasn't recognized as an impact fee.

City Manager Martinez informed that a great amount of work had already been completed and stated that City Council had previously rejected the petition.

City Manager Martinez advised that regarding annexation of the territory, the ordinance stated that any costs associated with development had to be made part of the development.

Discussion took place of the process of impact fees, water rights and the annexation process.

Councilor Howell asked if the property owners were advised of the annexation that would take place.

Planning and Zoning Supervisor Lujan advised that a Public Hearing was held and also that notices were sent to residents within 100 foot radius of Zeamway and Airport Road properties, and added that there were no oppositions.

Councilor Howell questioned what services were available to the residents in the annexation area.

Planning and Zoning Supervisor Lujan advised that water was already available however they were working on providing solid waste services, with offsite containment due to issues of the bridge and Zeamway Road being too narrow for the trash trucks to access.

Community Development Director Lindsey Valdez explained that an engineering study would need to be completed on the bridge prior to the City being able to provide services in the area and advised they are working with residents on trying to provide trash pickup services along the road that wouldn't involve going on to Zeamway Road.

Councilor Howell asked if there was an MOU agreement provided for the residents, in order to be informed of what would occur after the annexation.

Planning and Zoning Supervisor Lujan informed that the information regarding the provisions of City Utility services was included in the Finding of Facts completed by the Planning and Zoning Commission and added that the residents were well informed, with no objections.

Councilor Herrera made a motion to close Public Hearing and to accept the record proper. Councilor Gurule-Giroñ and Councilor Howell seconded the motion.

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Joey Herrera	Yes	Tonita Gurule-Giroñ	Yes
Vincent Howell	Yes	David L. Romero	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

Councilor Gurule-Giroñ made a motion to reconvene into Regular Session. Councilor Herrera seconded the motion.

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	Tonita Gurule-Giroñ	Yes
Joey Herrera	Yes	David L. Romero	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

Councilor Gurule-Giroñ asked how many Public Hearings had been held regarding the areas of Zeamway and Airport Roads.

Planning and Zoning Supervisor Lujan informed that there had been two Public Hearings and two Public Information Meetings regarding the areas in question.

Councilor Herrera made a motion to approve to adopt Ordinance 15-10 petitions to annex property north of the city limits contiguous to the City of Las Vegas. Councilor Howell seconded the motion.

Ordinance #15-10 was presented as follows:

CITY OF LAS VEGAS, CITY COUNCIL

ORDINANCE NO. 15-10

AN ORDINANCE OF THE CITY OF LAS VEGAS, NEW MEXICO APPROVING THE PETITIONS FOR ANNEXATION OF CONTIGUS TERRITORY TO THE CITY OF LAS VEGAS AS SUBMITTED BY: WILMA CUNICO, SANGRE DE CRISTO GRAVEL PRODUCTS LLC, ANTHONY MARTINEZ, ALEX ULIBARRI & DWAYNE ULIBARRI, HERMAN ULIBARRI, PAUL & MELISSA MAEZ, LYDIA & ROBERTO ORTIZ, KENNY & MARSHA ZAMORA

WHEREAS, a petition has been duly filed and survey(s) presented to the City of Las Vegas, New Mexico, seeking the annexation of territory contiguous to the said municipality which petition is signed by the owners of the majority of number of acres in the contiguous territory and to which petition is attached a map showing the external boundaries of the territory proposed to be annexed and the relationship of the territory proposed to be annexed to the existing boundary of the City of Las Vegas, and;

WHEREAS, the City of Las Vegas initiated the development of a Comprehensive Master Plan for the general purpose of guiding and accomplish a coordinated, adjusted and harmonious development of the municipality which, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as the efficiency and economy in the process of development; and

WHEREAS, the area herein described is identified as being within Phase 6, of the City of Las Vegas Comprehensive Master Plan; and

WHEREAS, the goal of Section IV-29 of the City of Las Vegas Comprehensive Master Plan is to annex areas that are now being serviced by City water in phases over a twenty (20) year period, current unimproved infrastructure should be funded through special grants and/ or special Assessment Districts; and

WHEREAS, the City of Las Vegas Comprehensive Master Plan calls for annexation as a tool to manage land in the ETZ, and for the development of unique guidelines to direct growth; and

WHEREAS, the City of Las Vegas cannot ensure the availability of Public Services, including but not restricted to, gas and sewer within the territory described herein; and

WHEREAS, until the City has the opportunity to analyze zoning in the annexed territory, the City will not consider any developments or petitions for zone changes for a period of twenty-four (24) months; and

WHEREAS, the Governing Body of the City of Las Vegas has determined that it is in the best interest of the City to approve the annexation; and

WHEREAS, said petition having been considered and found to be in proper form.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS, NEW MEXICO, as follows:

1. That consent is hereby given to the annexation of the following contiguous territory to the City of Las Vegas, New Mexico;

2. A parcel of land for proposed annexation into the City of Las Vegas, San Miguel County, New Mexico and being located within the Las Vegas Land Grant, within projected sections 1 and 12 of Township 16 North, Range 16 East and Section 6 of Township 16 North Range 17 East, N.M.P.M. Said parcel being more particularly described as follows:

Beginning at the N.G.S. HARN Station "Vegasport" thence N 86°18'37" W a distance of 10,483.26 feet to the NE'ly most corner and **TRUE POINT OF BEGINNING** of this parcel. Said NE'ly most corner being located the S'ly and W'ly R/w lines of State Road 250. Thence along the W'ly R/W line of State Road 250 the following courses: S05°03'56" W a distance of 26.77 feet; S 13°44'57" W a distance of 486.34 feet; S 13°42'35" W a distance of 660.47 feet; S 13°43'10" W a distance of 91.58 feet; S 17°46'17" W a distance of 264.15 feet; S 21°47'26" W a distance of 1121.37 feet; S 21°04'08" W a distance of 209.69 feet; S 25°56'57" W a distance 1280.49 feet; S 88°48'57" E a distance of 25.49 feet; S 37°22'53" W a distance of 1514.35 feet; S 38°10'59" W a distance of 341.00 feet; S 38°04'57" W a distance of 283.23 feet; S 38°04'57" W a distance of 603.00 feet; S 38°15'54" W 75.65 feet; S 37°41'58" W a distance of 792.86 feet; S 34°46'33" W a distance of 224.86 feet; S 31°20'15" W a distance of 817.74 feet. Thence along a curve to the right with a delta angle of 30°51'12", a radius of 1785.77 feet, a chord bearing of S 46°45'51" W and a chord distance of 950.05 feet. Thence along the N'ly R/W line of said State Road 250 S 62°11'27" W a distance of 392.87 feet to the intersection of said N'ly R/W line and the E'ly R/W line of I-25. Thence along said E'ly R/W line along a curve to the right with a delta angle of 32°24'09", a radius of 1567.37 feet, an arc length of 886.40 feet, a chord bearing of N 00°31'52" W and a chord distance of 874.63 feet. Thence continuing along said E'ly R/W Line the following courses: N 20°34'25" E a distance of 1258.18 feet; N 22°09'12" E a distance of 7351.78 feet; N 33°06'20" E a distance of 1059.18 feet to the intersection of said E'ly R/W line and the S'ly R/w line of State Road 250. Thence along said S'ly R/W line the following courses: S 89°13'42" E a distance of 354.45 feet; N 89°20'55" E a distance of 466.13 feet; N 88°38'58" E a distance of 210.49 feet; N 85°45'25" E a distance of 626.26 feet; N 85°34'32" E a distance of 97.80 feet; S 89°30'10" E a distance of 539.07 feet to the **TRUE POINT OF BEGINNING** of this parcel. Said parcel contains 479.657 acres more or less.

This description is based on survey plats of property owners in the area, existing R/W fence and an unrecorded plat titled Proposed City Limits Annexation prepared by David Archuleta, N.M.P.L.S. 10261. A full boundary survey of this parcel may vary in results

3. Attached is a plat identified as survey drawing number 015-149 as prepared by Winston and Associates, LLC. showing the external boundaries of the territory proposed to be annexed and the relationship to the territory proposed to be annexed to the existing boundaries of the City of Las Vegas.
4. As a condition of annexation, it is understood and accepted by the applicants that the City of Las Vegas cannot ensure the availability of public services including, but not restricted to, gas and sewer within the territory described herein.

5. That any infrastructure improvements, including but not limited to water, sewer and gas should be funded through special grants, and/or special assessment districts, and/or private initiatives.
6. Until the City has had the opportunity to analyze zoning in the annexed territory, the City will not consider any developments or petitions for zone changes for a period of twenty four (24) months.
7. That Zeamway Bridge and Road remain private until such time that it is brought to current City standards.
8. That a copy of the ORDINANCE together with a copy of the plat showing the property being annexed shall be filed with the office of the County Clerk of San Miguel, New Mexico, and that from and after such filing of above described shall constitute a portion of the municipality.

PASSED, APPROVED AND ADOPTED ON THIS ____ DAY OF _____, 2015.

ATTEST:

Casandra Fresquez, City Clerk

Alfonso E. Ortiz, Jr., Mayor

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY

Dave Romero, City Attorney

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Joey Herrera	Yes	Vincent Howell	Yes
Tonita Gurule-Giroń	Yes	David L. Romero	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

Mayor Ortiz, Jr. stated that he thought the annexation would be good for the community and thanked Planning and Zoning Supervisor Lujan and Community Development Director Valdez for their hard work and preparation regarding the annexation of Zeamway and Airport Roads.

2. Approval/Disapproval of Engineering and Design Contract with WH Pacific.

Finance Director Ann Marie Gallegos advised that the City of Las Vegas was awarded a loan from the New Mexico Finance Authority for the purpose of financing the renovation, rehabilitation and repair of the Abe Montoya Recreation Center.

Public Works Director Martin Gonzales advised that out of five companies, WH Pacific was the top ranked and rated company that was awarded the bid regarding the Abe Montoya Recreation Renovation Project.

Public Works Director Gonzales advised that Finance Director Gallegos was in contact with NMFA in reference to move forward with the planning and design portion of the Recreation Center Renovation, in order to be prepared when the funding is available and able to go into the bid process more rapidly.

Public Works Director Gonzales added that WH Pacific had submitted a contract in the sum of \$179,800.00 for planning/design and for reassessment of the Recreation Center, which had already been completed.

Councilor Gurule-Giroń asked if Public Information Meetings had already been held.

Public Works Director Gonzales stated that Public Information Meetings would not be considered until they were at the construction phase of the project.

Councilor Gurule-Giroń had questions regarding the cost amounts of both Phase I- Priority A and Phase II- Priority B of the Recreation Center, timelines of completion of design and when bids would be put out for the project.

Public Works Director Gonzales informed that Phase I- (Priority A), would cost 2.2 million dollars and Phase II-(Priority B), would cost 1.2 million dollars and advised that bid packets should be completed by December 2015, with the outcome of completing Phase- I within one year.

Councilor Howell asked if the Recreation Department was still in partnership with Highlands University regarding the swimming pool.

Finance Director Gallegos advised that the Recreation Center is still in collaboration with Highlands University regarding the use of their swimming pool.

Councilor Gurule-Giroń made a motion to approve of Engineering and Design Contract with WH Pacific. Councilor Howell and Councilor Herrera seconded the motion.

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroń	Yes	Joey Herrera	Yes
Vincent Howell	Yes	David L. Romero	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.

EXECUTIVE SESSION

City Manager Martinez advised there was no need for Executive Session at this time.

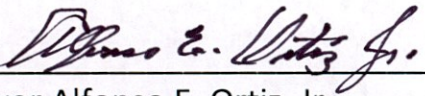
ADJOURN

Councilor Herrera made a motion to adjourn. Councilor Howell seconded the motion.

Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

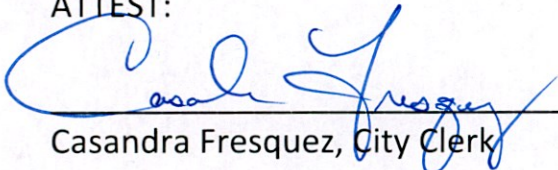
Vincent Howell	Yes	Joey Herrera	Yes
Tonita Gurule-Giroń	Yes	David L. Romero	Absent

City Clerk Fresquez re-read the motion and advised the motion carried.



Mayor Alfonso E. Ortiz, Jr.

ATTEST:



Casandra Fresquez, City Clerk